United Nations S/AC.52/2011/22

Security Council

Distr.: General
29 June 2011

Original: English

Security Council Committee established pursuant to resolution 1970 (2011) concerning the Libyan Arab Jamahiriya

Note verbale dated 24 June 2011 from the United States Mission to the United Nations addressed to the Chair of the Committee

The United States Mission has the honour to attach herewith the report of the United States on the implementation of resolution 1970 (2011), as requested in paragraph 25 of resolution 1970 (2011).

11-43459 (E) 020811

Please recycle

Annex to the note verbale dated 24 June 2011 from the United States Mission to the United Nations addressed to the Chair of the Committee

Report of the United States of America on its implementation of Security Council resolution 1970 (2011)

Arms Embargo

The transfer or export of United States defence articles and defence services is controlled by the Arms Export Control Act. The Act is the governing statutory authority for government-to-government agreements (the Foreign Military Sales system) and the licensing of direct commercial sales. In addition, the International Traffic in Arms Regulations further regulate the direct commercial sales licensing system. The Act and the Regulations serve as the basis for United States compliance with the arms embargo on the Libyan Arab Jamahiriya imposed by the Security Council in its resolution 1970 (2011) and modified by its resolution 1973 (2011).

The United States munitions export control system is designed to deny access to United States-origin defence equipment and technology to adversaries and parties whose interests are inimical to those of the United States. The export control process is closely regulated and excludes the participation of parties that are embargoed by the United Nations or are otherwise ineligible.

The United States requires all United States persons that manufacture or export defence articles or furnish defence services, as well as United States and foreign persons engaged in arms brokering, to register with the United States Department of State. Once registered, any export of defence articles, furnishing of defence services, or the brokering thereof, must be authorized through a license or other authorization by the Department of State. Once registered, any export of defence articles, furnishing of defence services, or brokering thereof, must be authorized through a license or other authorization by the Department of State. Direct commercial sales are subject to end-use monitoring under the Arms Export Control Act as implemented by the Department of State's "Blue Lantern" programme. Arms export control violations, including provision of defence articles and technology to ineligible persons, are subject to strict penalties, both criminal (including a prison sentence of 20 years and/or a $1 million fine for each violation) and civil (debarment from participation in United States defence trade and monetary penalties up to $500,000 for each violation).

Following the adoption of Security Council resolution 1970 (2011), the United States Department of State on 4 March 2011 suspended all export licenses under the Arms Export Control Act and the International Traffic in Arms Regulations for Libya.* Subsequently, the Department of State published an amendment to the Regulations (76 Fed. Reg. 30001, effective 24 May 2011)* to reflect and implement the provisions contained in paragraphs 9 and 10 of resolution 1970 (2011), as modified by resolution 1973 (2011).

* Annexes are on file with the Secretariat and are available for consultation.

As stated in the Federal Register notice containing that amendment:

This rulemaking implements the Security Council's actions within the International Traffic in Arms Regulations by adding Libya to section 126.1(c) and revising the previous policy on Libya contained in section 126.1(k) to announce a policy of denial for all requests for licenses or other approvals to export or otherwise transfer defence articles and services to Libya, except where not prohibited under Security Council embargo and determined to be in the interests of the national security and foreign policy of the United States.

The text of the amendment is as follows:

(k) *Libya.* It is the policy of the United States to deny licenses or other approvals for exports or imports of defence articles and defence services destined for or originating in Libya, except where it determines, upon case-by-case review, that the transaction (or activity) is not prohibited under applicable United Nations Security Council resolutions and that the transaction (or activity) is in furtherance of the national security and foreign policy of the United States.

Travel Ban

Under the applicable provisions of the Immigration and Nationality Act, the United States has the necessary authority to prevent the entry into or transit through the United States' territories of individuals listed in annex I of Security Council resolution 1970 (2011), listed in annex I of Council resolution 1973 (2011), or designated by the Committee established pursuant to Council resolution 1970 (2011) concerning the Libyan Arab Jamahiriya (herein "the Committee"), provided that those individuals are not nationals of the United States and that the United States Government has not determined that their entry or transit is required to advance peace and security in the Libyan Arab Jamahiriya (in which event the United States Government will notify the Committee within forty-eight hours after making such a determination, as provided by resolution 1970). To the extent consistent with United States law, travel exceptions will be granted if the Committee determines on a case-by-case basis that such travel is justified on the grounds of humanitarian need, including religious obligation, or that an exemption would further the objectives of peace and national reconciliation in the Libyan Arab Jamahiriya and stability in the region.

Asset Freeze

The United States has taken the necessary measures to implement the asset freeze in Security Council resolutions 1970 (2011) and 1973 (2011). President Barack Obama issued Executive Order 13566 (effective 25 February 2011),* which implements the provisions contained in paragraph 17 of resolution 1970 (2011).

Executive Order 13566 was issued under the authority vested in the President by the Constitution and laws of the United States, including the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*), the National Emergencies Act (50 U.S.C. 1601 *et seq.*) and section 301 of title 3 of the United States Code.

According to Section 10 of that order, the Secretary of the Treasury is authorized to take all actions necessary to carry out its purposes. As of June 21, 2011, the United States has blocked approximately $37 billion in Government of Libya assets under United States jurisdiction.